

Docket No. F-9185

Ser. No. 10/587,556

REMARKS

Claims 1-8 and 10-13 remain pending in this application. Claims 1-18 are rejected. Claims 9 and 14-18 are cancelled. Claims 1, 4 and 7-13 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1, 2, 6 and 8-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yonezawa (US 6,095,509). Claims 9 and 14-18 are cancelled, rendering their rejections moot. Applicants herein respectfully traverse these rejections as pertaining to the remaining claims. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim* ." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Independent claim 1 is amended, and recites in pertinent part the following:

a piston driving mechanism for driving the
piston member between the clamping position and the

Docket No. F-9185

Ser. No. 10/587,556

clamp release position, the piston driving mechanism being provided with a spring for elastically energizing the piston member away from the clamping object to the clamping position; and

a cam mechanism for driving the engagement portion of the clamping rod in a clamping direction roughly rectangular to the longitudinal direction of the clamping rod by a driving force of the piston driving mechanism for driving the piston member to the clamping position.

It is respectfully submitted that the cited Yonezawa reference is devoid of teaching directed to a "spring for elastically energizing the piston member away from the clamping object to the clamping position." None of the springs shown in the reference urge the piston away from the clamping object and into a clamping position.

In addition, Yonezawa fails to teach or suggest any type of cam mechanism. The Examiner refers to col. 2, lines 9-14 for alleged support for such element. However, such passage merely describes a piston which moves the pull rod upward, and an engaging member which is supported by a push spring. Applicant

Docket No. F-9185

Ser. No. 10/587,556

finds no mention of anything that could possibly be equated with structure operating as a cam mechanism.

In view of the above, it is respectfully submitted that independent claim 1 particularly describes and distinctly claims elements not disclosed in the cited reference. Therefore, based upon the foregoing, reconsideration of the rejections of claims 1, 2, 6 and 8-13 and their allowance are respectfully requested.

Claims 1-8, 12 and 14-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dasser (DE 14 78 857 A1). Claims 14-18 are cancelled, rendering their rejections moot. Applicants herein respectfully traverse these rejections as pertaining to the remaining claims. It is respectfully submitted that the cited reference is deficient with regard to the following.

It is respectfully submitted that the cited Dasser reference lacks any teaching directed to the claimed recitation of a "spring for elastically energizing the piston member away from the clamping object to the clamping position." In stark contrast, the piston 2 is driven towards the clamping object when driven to the clamping position. Moreover, the spring 4 of Dasser serves to elastically energize the piston 2 in a direction towards the clamping object, not away from it, as claimed.

In addition, applicants respectfully submit that the piston mechanism shown therein cannot be properly characterized as comprising a "cam" within the ordinarily accepted meaning of such term. Rather, the mechanism relies on a journal pin 6 to accommodate rotational movement of the clamp arm 3 relative to

Docket No. F-9185

Ser. No. 10/587,556

the piston 2 created solely by crosswise displacement of an end of the clamp arm 3 created by axial movement of the piston 2 as it is moved towards the clamping object to impart tilt to the clamp arm 3.

In view of the above, it is respectfully submitted that claim 1 particularly describes and distinctly claims elements not disclosed in the cited reference.

Therefore, based on the foregoing, reconsideration of the rejections of claims 1-8 and 12 and their allowance are respectfully requested.

Applicants respectfully request a two (2) month extension of time for responding to the Office Action. **The fee of \$490 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Docket No. F-9185

Ser. No. 10/587,556

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By Frank J. Jordan by:
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants
and,

By Lawrence Wechsler
Lawrence Wechsler
Reg. No. 36,049
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340